

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

OCT 1 2019

UNITED STATES OF AMERICA,

U.S. DISTRICT COURT-WVND  
WHEELING, WV 26003

v.

DALE ROBERT BARNHART,

Defendant.

Criminal No. 5:19-cr-37 (Bailey)

Violations: 18 U.S.C. § 922(g)(1)  
18 U.S.C. § 924(a)(2)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Unlawful Possession of a Firearm and Ammunition)

On or about August 26, 2019, in Tyler County, in the Northern District of West Virginia, the defendant, DALE ROBERT BARNHART, knowing he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, that is, the offense of Theft and the offense of Abduction in the Common Pleas Court of Washington County, Ohio, Case No. 95-CR-245 and 95-CR-117 on December 19, 1995; the offense of Driving Under the Influence of Alcohol, 3<sup>rd</sup> Offense, in the Circuit Court of Tyler County, West Virginia, Case No. 02-F-9, on September 26, 2002; and the offense of Possession of a Firearm by a Prohibited Person, in the Circuit Court of Tyler County, Case No. 06-F-19, on August 18, 2010, knowingly possessed a firearm and ammunition in and affecting interstate commerce, that is, a J.C. Higgins (Sears and Roebuck), model 583.11, 16 gauge shotgun (no serial number); a Marlin, model 25MN, .22 caliber rifle, serial number 98610003; a Winchester, model 67, .22 caliber rifle (no serial number); a Harrington & Richardson, model Topper 58, .410 caliber shotgun, serial number A5201096; and multiple rounds of various brands of ammunition, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

**COUNT TWO**

(Unlawful Possession of a Firearm and Ammunition)

On or about August 27, 2019, in Tyler County, in the Northern District of West Virginia, the defendant, **DALE ROBERT BARNHART**, knowing he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, that is, the offense of Theft and the offense of Abduction in the Common Pleas Court of Washington County, Ohio, Case No. 95-CR-245 and 95-CR-117 on December 19, 1995; the offense of Driving Under the Influence of Alcohol, 3<sup>rd</sup> Offense, in the Circuit Court of Tyler County, West Virginia, Case No. 02-F-9, on September 26, 2002; and the offense of Possession of a Firearm by a Prohibited Person, in the Circuit Court of Tyler County, Case No. 06-F-19, on August 18, 2010, knowingly possessed a firearm in and affecting interstate commerce, that is, a Cobra, model CB380, .380 caliber derringer, serial number CT169033, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURE ALLEGATION

*Gun Control Act*

Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d)(1), the government will seek the forfeiture of any firearm and any ammunition involved in or used in any knowing or willful violation of Title 18, United States Code, Section 922(g), including:

- 1) J.C. Higgins (Sears and Roebuck), model 583.11, 16 gauge shotgun (no serial number);
- 2) Marlin, model 25MN, .22 caliber rifle, serial number 98610003;
- 3) Winchester, model 67, .22 caliber rifle (no serial number);
- 4) Harrington & Richardson, model Topper 58, .410 caliber shotgun, serial number A5201096;
- 5) Cobra, model CB380, .380 caliber derringer, serial number CT196033;
- 6) Approximately 1,572 rounds of assorted makes and models of ammunition.

A True Bill:

/s/  
Foreperson

/s/  
WILLIAM J. POWELL  
United States Attorney

David J. Perri  
Assistant United States Attorney